

PXO-U

SCOTT BEASON

<p style="text-align: right;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION</p> <p>CASE NUMBER: 2:65-CV-00396-MHH</p> <p>LINDA STOUT, et al., Plaintiffs, vs. UNITED STATES OF AMERICA, Plaintiff-Intervenor vs. JEFFERSON COUNTY BOARD OF EDUCATION, Defendant, GARDENDALE CITY BOARD OF EDUCATION, Defendant-Intervenor.</p> <p style="text-align: center;">VIDEOTAPED DEPOSITION OF SCOTT BEASON March 18, 2016</p> <p>REPORTED BY: J. Ashley Arrowood, CSR, RPR Henderson & Associates Court Reporters 5 North Royal Street - Suite 200 Mobile, Alabama 36602</p>	<p style="text-align: right;">3</p> <p>1 STIPULATIONS 2 (Continued) 3 4 IT IS FURTHER STIPULATED AND AGREED that it 5 shall not be necessary for any objections except as to 6 form or leading questions, and that counsel for the 7 parties may make objections and assign grounds at the 8 time of the trial, or at the time said deposition is 9 offered in evidence or prior thereto 10 11 IT IS FURTHER STIPULATED AND AGREED that the 12 notice of filing of the deposition by the Commissioner 13 is waived 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">2</p> <p>1 STIPULATIONS 2 3 IT IS STIPULATED AND AGREED by and between the 4 parties through their respective counsel, that the 5 deposition of SCOTT BEASON may be taken before J Ashley 6 Arrowood, Commissioner, at White, Arnold & Dowd, 2025 7 3rd Avenue North, Birmingham, Alabama, on the 18th day 8 of March, 2016 9 10 IT IS FURTHER STIPULATED AND AGREED that the 11 signature to and the reading of the deposition by the 12 witness is waived, the deposition to have the same force 13 and effect as if full compliance had been had with all 14 laws and rules of Court relating to the taking of 15 depositions 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 APPEARANCES 2 3 APPEARING ON BEHALF OF THE PLAINTIFFS: 4 NAACP Legal Defense & Educational Fund, Inc 5 Ms Monique N Lin-Luse and Mr Christopher Wilds 6 40 Rector Street, 5th Floor 7 New York, New York 10006 8 -and- 9 White, Arnold & Dowd, P C 10 Mr U W Clemon 11 2025 3rd Avenue North 12 Suite 500 13 Birmingham, Alabama 35203 14 15 APPEARING ON BEHALF OF THE PLAINTIFF-INTERVENOR: 16 U S Department of Justice 17 Civil Rights Division 18 Educational Opportunities Section 19 Ms Natane Singleton (via telephone) 20 950 Pennsylvania Avenue, N W 21 Washington, D C 20530 22 23 24 25</p>

1 (Pages 1 to 4)

2 (Pages 5 to 8)

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<p style="text-align: right;">9</p> <p>1 EXAMINATION BY MR. CLEMON:</p> <p>2 Q. Good afternoon, Senator Beason.</p> <p>3 A. Judge, how are you?</p> <p>4 Q. I'm fine, thank you. You appear here</p> <p>5 this afternoon in -- in obedience to a subpoena that was</p> <p>6 served on you?</p> <p>7 A. Correct.</p> <p>8 Q. And prior to receiving the subpoena, did</p> <p>9 you receive a letter from the NAACP Legal Defense Fund</p> <p>10 which I'm going to offer as Plaintiff's Exhibit 1? And</p> <p>11 I'll just show it to you.</p> <p>12 (Whereupon, Exhibit 1 was</p> <p>13 marked for identification.)</p> <p>14 Q. (BY MR. CLEMON:) Did you receive this</p> <p>15 letter?</p> <p>16 A. I thought it came at the same time.</p> <p>17 Q. Okay. All right.</p> <p>18 A. I thought it came at the same -- I</p> <p>19 think they delivered it to me when they delivered the</p> <p>20 subpoena.</p> <p>21 Q. All right. And you've read it?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And did you, pursuant to the terms of</p> <p>24 that subpoena, produce these documents which will be</p> <p>25 identified as Plaintiff's Exhibit 2?</p>	<p style="text-align: right;">11</p> <p>1 from Gardendale in 1987.</p> <p>2 Q. Gardendale High School?</p> <p>3 A. Yes, sir.</p> <p>4 Q. All right. And you received a bachelor's</p> <p>5 degree in geology from the University of Alabama?</p> <p>6 A. Yes, sir.</p> <p>7 Q. That was in 1991?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And did you -- did you have a job when</p> <p>10 you were in college?</p> <p>11 A. The job I had when I was in college is</p> <p>12 when I went to graduate school. I taught graduate</p> <p>13 Geology Lab, 101 Geology Lab, when I was doing --</p> <p>14 working on my master's.</p> <p>15 Q. I see. Did you get a master's?</p> <p>16 A. I did not finish. I took a job with</p> <p>17 Rust Environment & Infrastructure.</p> <p>18 Q. All right. And how long did you stay</p> <p>19 with Rust?</p> <p>20 A. Until -- my boss there started his own</p> <p>21 business, and I left with him. So I was in the</p> <p>22 environmental consulting business until fall of '97,</p> <p>23 maybe --</p> <p>24 Q. I see.</p> <p>25 A. -- something like that.</p>
<p style="text-align: right;">10</p> <p>1 A. Yes, sir, to the best of my ability.</p> <p>2 (Whereupon, Exhibit 2 was</p> <p>3 marked for identification.)</p> <p>4 THE WITNESS: You want me to keep them?</p> <p>5 MR. CLEMON: No. The court reporter</p> <p>6 will.</p> <p>7 THE WITNESS: Oh, okay.</p> <p>8 Q. (BY MR. CLEMON:) Senator, would you tell</p> <p>9 us your full name?</p> <p>10 A. Jason Scott Beason.</p> <p>11 Q. And what is your address?</p> <p>12 A. [REDACTED],</p> <p>13 Alabama.</p> <p>14 Q. Where were you born, Senator?</p> <p>15 A. Hartselle, Alabama.</p> <p>16 Q. That's in Morgan County?</p> <p>17 A. I couldn't tell you which county it's</p> <p>18 in. I mean, I was only there when I was born.</p> <p>19 Q. I see. Where did you grow up?</p> <p>20 A. I grew up in Gardendale. We moved to</p> <p>21 Gardendale when I was, I think, seven years old.</p> <p>22 Q. I see. And did you go to elementary</p> <p>23 school in Gardendale?</p> <p>24 A. I went to Gardendale Elementary School</p> <p>25 and started there as a third grader, and I graduated</p>	<p style="text-align: right;">12</p> <p>1 Q. And all this time you were living in</p> <p>2 Gardendale?</p> <p>3 A. Yes, sir. Well, we moved back. My</p> <p>4 wife and I got married and lived in Tuscaloosa. And</p> <p>5 then when I took a job at Rust, we moved back to</p> <p>6 Gardendale.</p> <p>7 Q. All right. And do you recall what year</p> <p>8 that was?</p> <p>9 A. No, sir. I could think about it, but</p> <p>10 it was '93, '94, something like that.</p> <p>11 Q. I see. What is your current occupation</p> <p>12 or profession?</p> <p>13 A. I host a radio show. I am the senior</p> <p>14 policy advisor called -- for a group called The</p> <p>15 Alabama Free Market Alliance. And then I do some</p> <p>16 consulting work. I have a little LLC.</p> <p>17 Q. All right. What is the Alabama</p> <p>18 consulting alliance?</p> <p>19 A. The Alabama Free Market Alliance is a</p> <p>20 small, little conservative economics group that</p> <p>21 promotes lower taxes, smaller government, that kind of</p> <p>22 thing.</p> <p>23 Q. I see. And how long have you had that</p> <p>24 business?</p> <p>25 A. They asked me to help them just a</p>

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<p style="text-align: right;">13</p> <p>1 little while after I got out of the senate. I say a</p> <p>2 little -- probably -- yeah, after my term would have</p> <p>3 ended in the senate.</p> <p>4 Q. That would have been sometime in 2014?</p> <p>5 A. Let's see. When did I get out? Yeah.</p> <p>6 I would have ended in November of '14. So I probably</p> <p>7 started with them in the spring of '15.</p> <p>8 Q. I see. Do they have an office here in</p> <p>9 Birmingham?</p> <p>10 A. No. It's Paul Reynolds, it's his</p> <p>11 group, and I think they just kind of do it as a -- as</p> <p>12 their -- it's just one of the things they do.</p> <p>13 Q. I see. Do you work out of your home?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right.</p> <p>16 A. Well, for the most part, yes.</p> <p>17 Q. All right.</p> <p>18 A. I'm my own shop all the way around.</p> <p>19 Q. Good. And you say you're a talk show</p> <p>20 host?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What radio station is that?</p> <p>23 A. WYDE.</p> <p>24 Q. And that's here in Birmingham?</p> <p>25 A. The station itself is in Birmingham.</p>	<p style="text-align: right;">15</p> <p>1 Q. And what's your wife's name?</p> <p>2 A. Lori, L-o-r-i.</p> <p>3 Q. And does she work outside the home?</p> <p>4 A. No. She's a stay-at-home mom.</p> <p>5 Q. All right. And you have three kids?</p> <p>6 A. I do.</p> <p>7 Q. What are their names and ages?</p> <p>8 A. Keller, who is 16; Merritt, who is 12;</p> <p>9 and Mac -- McCalan, who is 9.</p> <p>10 Q. All right. Keller is at Gardendale High?</p> <p>11 A. He's at Gardendale High School. He's a</p> <p>12 tenth grader.</p> <p>13 Q. And Merritt?</p> <p>14 A. She is a seventh grader at Bragg, which</p> <p>15 is Gardendale's junior high.</p> <p>16 Q. All right. And Mac?</p> <p>17 A. Is a third grader at Gardendale</p> <p>18 Elementary School.</p> <p>19 Q. All right.</p> <p>20 A. He goes to -- he and Merritt go to the</p> <p>21 same buildings that I went to when I went to school.</p> <p>22 Q. I see. When were you first elected to</p> <p>23 the Alabama legislature?</p> <p>24 A. 1998.</p> <p>25 Q. And you were elected from a district --</p>
<p style="text-align: right;">14</p> <p>1 The tower is in Cullman.</p> <p>2 Q. I see. And how often is that show aired?</p> <p>3 A. From 11:00 to 1:00, five days a week,</p> <p>4 Monday through Friday. And then I think they do a</p> <p>5 rebroadcast of part of it on the weekend. I don't</p> <p>6 even know when that is.</p> <p>7 Q. Is this a call-in-type show?</p> <p>8 A. Yes, sir. It's just a call-in talk</p> <p>9 radio show.</p> <p>10 Q. All right. And you say it's two hours?</p> <p>11 A. It's two hours everyday. I do one hour</p> <p>12 by myself, and then the second hour I do with the</p> <p>13 gentleman who started the show, a gentleman named</p> <p>14 Cliff Sims. And he comes in, and we do an hour</p> <p>15 together.</p> <p>16 Q. I see. And how long have you had the</p> <p>17 show?</p> <p>18 A. I've been doing the show since probably</p> <p>19 early December of last year. It's really his. I just</p> <p>20 am the host.</p> <p>21 Q. I see.</p> <p>22 A. He pays me.</p> <p>23 Q. When did you get married?</p> <p>24 A. Let's see. This is one of those</p> <p>25 that'll get me in trouble. 1992.</p>	<p style="text-align: right;">16</p> <p>1 the House of Representatives?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What district was it?</p> <p>4 A. I think that term it was 50.</p> <p>5 Q. Well, yeah, the numbers sometimes change.</p> <p>6 A. Right. Right. Right.</p> <p>7 Q. So what area -- what area were you?</p> <p>8 A. North Jefferson County.</p> <p>9 Q. All right. And that would include</p> <p>10 Gardendale?</p> <p>11 A. It went from Gardendale to Clay.</p> <p>12 Q. I see.</p> <p>13 A. So I represented all of North Jefferson</p> <p>14 County. Clay and Gardendale were my two biggest</p> <p>15 municipalities.</p> <p>16 Q. How long were you in the Alabama House of</p> <p>17 Representatives?</p> <p>18 A. Eight years, two terms.</p> <p>19 Q. Did you chair any committees in the</p> <p>20 House?</p> <p>21 A. Not at that time. Republicans were</p> <p>22 nowhere close to chairing committees. And I was new,</p> <p>23 too, so --</p> <p>24 Q. All right. And you were subsequently</p> <p>25 elected to the Alabama Senate?</p>

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<p style="text-align: right;">17</p> <p>1 A. Yes, sir.</p> <p>2 Q. When were you first elected to the</p> <p>3 Alabama Senate?</p> <p>4 A. 2006.</p> <p>5 Q. All right. And what communities did you</p> <p>6 represent as a senator?</p> <p>7 A. That district was almost all of Blount</p> <p>8 County. In Jefferson County it went from the Corner</p> <p>9 area over there -- on 78 all the way across to</p> <p>10 Clay/Trussville area, still my same House district,</p> <p>11 and then half of St. Clair County.</p> <p>12 Q. I see. But was Gardendale included --</p> <p>13 A. Yeah, Gardendale was in there.</p> <p>14 Q. -- in that central --</p> <p>15 A. I think in my senate district -- the</p> <p>16 first time I had some of Fultondale.</p> <p>17 Q. I see. During your first term in the</p> <p>18 Alabama Senate, did you hold any positions?</p> <p>19 A. No, sir.</p> <p>20 Q. And in the second term?</p> <p>21 A. I did hold a position in the second</p> <p>22 term.</p> <p>23 Q. And what was that?</p> <p>24 A. That was Rules.</p> <p>25 Q. You were the --</p>	<p style="text-align: right;">19</p> <p>1 a lot together.</p> <p>2 Q. Yeah.</p> <p>3 A. The district I represented, the cities</p> <p>4 for the most part kind of tried to do their own thing.</p> <p>5 Q. I see.</p> <p>6 A. If they had a problem, I would try to</p> <p>7 help them --</p> <p>8 Q. I see.</p> <p>9 A. -- as far as a big project or -- you</p> <p>10 know, some -- some legislators were always being</p> <p>11 called by their cities.</p> <p>12 Q. Yeah.</p> <p>13 A. But, I mean, I worked with them if they</p> <p>14 needed me for something, if they called me and asked,</p> <p>15 but I was not one of those to always be there saying,</p> <p>16 hey --</p> <p>17 Q. Yes. Who is the mayor of Gardendale?</p> <p>18 A. Now it's Stan Hogeland.</p> <p>19 Q. And how long has he been mayor?</p> <p>20 A. Maybe a year.</p> <p>21 Q. I see.</p> <p>22 A. I don't even know when -- the former</p> <p>23 mayor went to work for David Carrington in Jefferson</p> <p>24 County.</p> <p>25 Q. And who is that?</p>
<p style="text-align: right;">18</p> <p>1 A. I was Rules chairman for one year.</p> <p>2 Q. -- chairman for one year? We're members</p> <p>3 of the same club.</p> <p>4 A. You got to stay there longer probably.</p> <p>5 Q. And when did your position in the state</p> <p>6 senate end?</p> <p>7 A. I left in 2014.</p> <p>8 Q. All right. Do you presently hold any</p> <p>9 elective office?</p> <p>10 A. No, sir. I'm recovering.</p> <p>11 Q. All right. Do you, Senator, know the</p> <p>12 members -- the present members of the Gardendale City</p> <p>13 Council?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All of them?</p> <p>16 A. I know some of them better than -- than</p> <p>17 others.</p> <p>18 Q. Others, but you know all of them?</p> <p>19 A. Uh-huh, I'm acquainted with all of</p> <p>20 them.</p> <p>21 Q. All right. Have you worked with -- with</p> <p>22 them on various city matters during the time both when</p> <p>23 you were a senator and now?</p> <p>24 A. You know, they really never -- I</p> <p>25 couldn't point to one specific thing that we worked on</p>	<p style="text-align: right;">20</p> <p>1 A. Othell Phillips.</p> <p>2 Q. And how long was Mr. -- was Mayor</p> <p>3 Phillips -- how long did he serve?</p> <p>4 A. I couldn't tell you exactly.</p> <p>5 Probably -- I don't know if he was re-elected once or</p> <p>6 twice. So six to eight years.</p> <p>7 Q. I see. And who was mayor before then?</p> <p>8 A. Kenny Clemons.</p> <p>9 Q. All right.</p> <p>10 A. I think that's right. Yeah, I think</p> <p>11 it's Clemons.</p> <p>12 Q. All right. And did you from time to time</p> <p>13 work with these mayors on problems that they came to see</p> <p>14 you about in your capacity as their representative?</p> <p>15 A. I cannot think of some -- a problem</p> <p>16 that Gardendale had -- I think the only time -- I</p> <p>17 can't think of a problem that they called and asked me</p> <p>18 to fix.</p> <p>19 Q. I see. I see. Are you a member of the</p> <p>20 Gardendale Rotary Club?</p> <p>21 A. I was a honorary member for a little</p> <p>22 while.</p> <p>23 Q. All right.</p> <p>24 A. I'm not now.</p> <p>25 Q. All right. Was that -- during the time</p>

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<p style="text-align: right;">21</p> <p>1 that you were honorary member, did you attend any of the</p> <p>2 meetings?</p> <p>3 A. Yeah, a couple.</p> <p>4 Q. And as a senator, did you from time to</p> <p>5 time speak at the rotary club?</p> <p>6 A. If I was invited, I probably did, there</p> <p>7 or the Chamber of Commerce, either one.</p> <p>8 Q. All right. But they did invite you from</p> <p>9 time to time?</p> <p>10 A. I think so.</p> <p>11 Q. Yeah. All right. Is it fair to say,</p> <p>12 Senator, that you are a strong supporter of the</p> <p>13 Gardendale schools and have been?</p> <p>14 A. Yes, sir, since -- since -- since</p> <p>15 before I was ever elected to the legislature.</p> <p>16 Q. Yes, sir.</p> <p>17 A. I was for a Gardendale School System</p> <p>18 when I ran for the legislature in 1994. And I didn't</p> <p>19 win, but I was for it way back then.</p> <p>20 Q. All right.</p> <p>21 A. And I was only 24 years old then.</p> <p>22 Q. Now, you say you were for a Gardendale</p> <p>23 School System. You mean at that time you felt that</p> <p>24 Gardendale should have a separate school system?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">23</p> <p>1 Williams donates paint supposedly. Now, this is the</p> <p>2 story. And, you know, there's no money to paint the</p> <p>3 schools, so parents and coaches and dads, you know,</p> <p>4 paint the school.</p> <p>5 And then lo and behold, just a little</p> <p>6 while later, some other school is getting painted with</p> <p>7 taxpayer money. You're like, well, wait a minute.</p> <p>8 Why are we painting it ourselves if there's money to</p> <p>9 paint other places?</p> <p>10 So, you know, it's that whole thing</p> <p>11 that you can do better things in your town if you</p> <p>12 don't have to go to somebody else and ask.</p> <p>13 Q. It was sort of a matter of local control?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right. And have you, over the years</p> <p>16 in your representative capacity in the House and Senate,</p> <p>17 at various times contacted the state superintendent of</p> <p>18 education about Gardendale education matters?</p> <p>19 A. Trying to break away?</p> <p>20 Q. Well, we'll come to that.</p> <p>21 A. Okay.</p> <p>22 Q. But even before then.</p> <p>23 A. I can't think of ever contacting the</p> <p>24 state --</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">22</p> <p>1 Q. All right. And why is that? What was --</p> <p>2 A. Well, I mean, I had just been out of</p> <p>3 Gardendale for a few years. And if you just think</p> <p>4 about the way things had always been run by the</p> <p>5 county, from my point of view, even being a student,</p> <p>6 was that everything required permission from somebody</p> <p>7 else that you didn't even know.</p> <p>8 I mean, there was a time -- and I don't</p> <p>9 even know if it's the same way -- if you were hot in</p> <p>10 the classroom or the school was hot, you had to ask</p> <p>11 permission from downtown for them to turn the</p> <p>12 air-conditioner on. All those kinds of things were</p> <p>13 remotely done supposedly.</p> <p>14 If you needed to have something fixed,</p> <p>15 you had to call the county. If you needed to -- if</p> <p>16 somebody wanted to borrow the gym for some kind of</p> <p>17 event, you had to go down and ask the county. And I</p> <p>18 always thought that it would be better for us to</p> <p>19 manage our own thing.</p> <p>20 Q. Yeah.</p> <p>21 A. I mean, I can remember when the -- when</p> <p>22 the school had to be painted. Now, this is the school</p> <p>23 that was torn down.</p> <p>24 Q. Yes, sir.</p> <p>25 A. Needed to be painted, and Sherwin</p>	<p style="text-align: right;">24</p> <p>1 A. -- the state superintendent about --</p> <p>2 Q. How about Joe Martin when he was</p> <p>3 superintendent?</p> <p>4 A. I don't remember talking to Joe about a</p> <p>5 Gardendale issue.</p> <p>6 Q. Okay. And how about -- well, Tommy Bice</p> <p>7 seceded him as superintendent?</p> <p>8 A. He did.</p> <p>9 Q. All right. Have you -- have you talked</p> <p>10 with Mr. Bice about the separate school system for</p> <p>11 Gardendale?</p> <p>12 A. I don't believe he and I have</p> <p>13 personally spoken about Gardendale School System.</p> <p>14 Q. And --</p> <p>15 A. I talked -- I just don't remember</p> <p>16 talking to Tommy Bice.</p> <p>17 Q. All right. Have you talked with someone</p> <p>18 in his office about the Gardendale School System?</p> <p>19 A. No. When I went trying to hope that we</p> <p>20 could be able to break away, I talked to the governor.</p> <p>21 Q. All right.</p> <p>22 A. And then the governor got me to talk to</p> <p>23 some staff person -- I don't even remember his name --</p> <p>24 and then he was going to talk to him.</p> <p>25 Q. All right. The governor got you to talk</p>

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<p style="text-align: right;">25</p> <p>1 with some staff person in the governor's office?</p> <p>2 A. Uh-huh. It was an executive branch</p> <p>3 person.</p> <p>4 Q. All right. All right. So you've had no</p> <p>5 direct contact with Tommy Bice about the formation of --</p> <p>6 A. Not that I can recall --</p> <p>7 Q. -- Gardendale being separate?</p> <p>8 A. -- no, sir.</p> <p>9 Q. All right. I think you've told us about</p> <p>10 the kind of relationship that the Gardendale schools</p> <p>11 have had with the Jefferson County schools over the</p> <p>12 years.</p> <p>13 A. Uh-huh. And -- well, I know I'm only</p> <p>14 supposed to answer what you ask, but, you know, my</p> <p>15 kids go to school there.</p> <p>16 Q. Yes.</p> <p>17 A. And -- and I see just -- you know, just</p> <p>18 the things that I think we could do better as a school</p> <p>19 system if -- if we were our own school system.</p> <p>20 Q. I see.</p> <p>21 A. I mean, a great example we're living</p> <p>22 through right now -- and maybe this is not part of</p> <p>23 what y'all are looking at. And I'm really not sure</p> <p>24 what y'all are looking at. But my oldest son, who</p> <p>25 just turned 16, is in an AP -- AP history class --</p>	<p style="text-align: right;">27</p> <p>1 Regional Education Board, and all these kinds of</p> <p>2 things, and I'm comparing what works to what we do.</p> <p>3 I'm like what is wrong?</p> <p>4 Q. Yeah.</p> <p>5 A. And to get that changed is like trying</p> <p>6 to change a -- they don't care what I think in</p> <p>7 Gardendale, Alabama. But I think if we had a system</p> <p>8 closer to us where I could just say, "Patrick, what</p> <p>9 are we doing," --</p> <p>10 Q. Yeah.</p> <p>11 A. -- he might have a good answer.</p> <p>12 Q. Yeah. So you -- so --</p> <p>13 A. It's just frustration.</p> <p>14 Q. So you never felt that the Gardendale</p> <p>15 citizens had a very productive relationship with the</p> <p>16 Jefferson County Board of Education?</p> <p>17 A. I didn't think it was near as good as</p> <p>18 it could be.</p> <p>19 Q. All right.</p> <p>20 A. And it seems to be -- I remember I did</p> <p>21 talk to -- I don't know if it was Mr. Morton or not.</p> <p>22 But he was talking about -- told me one time -- it had</p> <p>23 nothing to do with Gardendale, nothing.</p> <p>24 And I think we were talking about some</p> <p>25 of the larger -- the systems that were growing in</p>
<p style="text-align: right;">26</p> <p>1 Q. Yes.</p> <p>2 A. -- which the idea is to take the AP</p> <p>3 test, and if you pass it, you get college credit.</p> <p>4 Q. Right.</p> <p>5 A. Well, Jefferson County is running block</p> <p>6 schedule, which everything I read about education,</p> <p>7 most places have quit doing block schedules a long</p> <p>8 time ago. They went back to the old seven class</p> <p>9 periods, and you take math all year.</p> <p>10 Well, he takes AP history, the first</p> <p>11 semester of it, this spring. He might have the second</p> <p>12 semester next spring, which means the things he learns</p> <p>13 in January of this year that are on that AP test --</p> <p>14 Q. Yes.</p> <p>15 A. -- are 15, 16 months before he tries to</p> <p>16 take the test to get some college credit.</p> <p>17 When I personally think if we were</p> <p>18 doing it ourselves -- I mean, maybe that's giving too</p> <p>19 much credit to other folks -- that those kinds of</p> <p>20 things -- because you want kids to pass that AP test.</p> <p>21 Q. Yeah.</p> <p>22 A. And I just see -- and I was on the</p> <p>23 education committee when I was in the House, so I used</p> <p>24 to get all these -- all these letters and newsletters.</p> <p>25 And this is what other states are doing, the Southern</p>	<p style="text-align: right;">28</p> <p>1 Alabama. And he might have just been speaking</p> <p>2 somewhere, talking about how when you look across the</p> <p>3 country, there are almost no systems that have over</p> <p>4 10,000 kids that perform well. And it's partially</p> <p>5 because the bureaucracy grows to such extent.</p> <p>6 And my -- my feeling is that children</p> <p>7 become numbers because they have so many and that I</p> <p>8 think smaller systems care more about Scott or U. W.</p> <p>9 or whoever.</p> <p>10 Q. Yeah.</p> <p>11 A. And that's -- that's my feeling.</p> <p>12 Q. So you've had some concern about</p> <p>13 education over some period of years?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you know that from time to time there</p> <p>16 have been movements in Gardendale to set up a separate</p> <p>17 school system?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And one of those happened in 1999. Are</p> <p>20 you familiar with that one?</p> <p>21 A. I knew there was a report or a study at</p> <p>22 one time but --</p> <p>23 Q. Let me give you -- this is Plaintiff's</p> <p>24 Exhibit 3.</p> <p>25 A. I tried one time to actually get the</p>

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<p style="text-align: right;">29</p> <p>1 report, but I don't think I ever got it.</p> <p>2 (Whereupon, Exhibit 3 was</p> <p>3 marked for identification.)</p> <p>4 Q. (BY MR. CLEMON:) Well, look at it, and</p> <p>5 see if that's --</p> <p>6 A. Is this just the news story?</p> <p>7 Q. Yes, that's the news story. -- whether</p> <p>8 you've seen it before.</p> <p>9 A. I don't believe I've seen this.</p> <p>10 Q. Okay. All right.</p> <p>11 A. Like I said, I tried to get the</p> <p>12 official report one time. Do y'all have that?</p> <p>13 Q. We're coming to that.</p> <p>14 A. Okay.</p> <p>15 Q. This is -- this is the --</p> <p>16 A. Do y'all want me to read this?</p> <p>17 Q. Yeah, why don't you look at it and see if</p> <p>18 it -- it says --</p> <p>19 A. I know I haven't seen -- I haven't seen</p> <p>20 the article.</p> <p>21 Q. -- if it says anything that you know to</p> <p>22 be untrue.</p> <p>23 A. Oh, God. That's asking a lot, Judge.</p> <p>24 What year is this, '99?</p> <p>25 Q. I take it that you -- you would have</p>	<p style="text-align: right;">31</p> <p>1 Q. But would you -- would you look at what</p> <p>2 is numbered -- it's actually the fourth page of it.</p> <p>3 A. Okay.</p> <p>4 Q. Designated page 43.</p> <p>5 A. Yes, sir. Got it. 43.</p> <p>6 Q. And in the next-to-last paragraph, would</p> <p>7 you read that one?</p> <p>8 A. Starting with "If"?</p> <p>9 Q. If, yes.</p> <p>10 A. Okay. If forced to sum -- if forced to</p> <p>11 sum this study in one recommendation, it would be it</p> <p>12 is not the recommendation of this committee to form an</p> <p>13 independent school system at this time. However, the</p> <p>14 community should prepare to form one, ready to open in</p> <p>15 the fall of 2011, in the event the Jefferson County</p> <p>16 Board of Education is unable to meet the educational</p> <p>17 expectations of the citizens of Gardendale.</p> <p>18 Q. And were you aware that this</p> <p>19 recommendation had been made?</p> <p>20 A. At the time, no, sir.</p> <p>21 Q. Yes. All right.</p> <p>22 A. No, sir. I heard about this comment at</p> <p>23 some time after that.</p> <p>24 Q. All right.</p> <p>25 A. Because this whole time, through both</p>
<p style="text-align: right;">30</p> <p>1 agreed with the council's decision not to form a school</p> <p>2 system back in 1999?</p> <p>3 A. I would have. I was not politically</p> <p>4 close to the leadership of the town at that time.</p> <p>5 Q. All right. You are familiar with the</p> <p>6 2005 report, aren't you?</p> <p>7 A. I don't remember which is which.</p> <p>8 Q. I'm sorry. That was a terrible -- that</p> <p>9 was an inaccurate question.</p> <p>10 You are familiar with the fact that in</p> <p>11 2005 there was a study and report made by the education</p> <p>12 committee of the city of Gardendale?</p> <p>13 A. Is this the second time they studied</p> <p>14 it?</p> <p>15 Q. Yeah.</p> <p>16 A. I don't think I had this report either</p> <p>17 but --</p> <p>18 Q. And that's not the complete report. It's</p> <p>19 a -- it's a copy of it. But if you would, look at --</p> <p>20 it's a copy -- I'm sorry. I'm sorry. That's -- that's</p> <p>21 not the complete report. It is designated pages from</p> <p>22 the report. And I can provide you --</p> <p>23 A. Okay.</p> <p>24 Q. -- the full report if you want it.</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">32</p> <p>1 of these studies, my response has always been --</p> <p>2 because I -- personally I think it may have been the</p> <p>3 first one -- and this is just me thinking --</p> <p>4 Q. Yeah.</p> <p>5 A. -- that the study was set out to come</p> <p>6 to the conclusion of no --</p> <p>7 Q. I see.</p> <p>8 A. -- purposefully.</p> <p>9 Q. Yeah.</p> <p>10 A. It was going to be "no" no matter what</p> <p>11 and -- in my opinion.</p> <p>12 Q. And this would be the study that was</p> <p>13 commissioned by the city council?</p> <p>14 A. By the city.</p> <p>15 Q. Yeah.</p> <p>16 A. And I don't know -- maybe that was the</p> <p>17 first one. And -- because my question always was if</p> <p>18 you look at finances, the majority of finances for</p> <p>19 school systems in our state, majority of it comes from</p> <p>20 the State.</p> <p>21 Q. Yeah.</p> <p>22 A. And then you automatically are able to</p> <p>23 get your portion from the county, which, unless</p> <p>24 Gardendale was receiving more funds than it should</p> <p>25 have been allotted based on per-pupil bases or</p>

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<p style="text-align: right;">33</p> <p>1 however, then we would at least have the amount of</p> <p>2 money that we were operating our buildings on already.</p> <p>3 Q. Yeah.</p> <p>4 A. So I never understood the argument of,</p> <p>5 well, there's not enough money, there's not enough</p> <p>6 money. Does that make sense?</p> <p>7 Q. Yeah.</p> <p>8 A. So --</p> <p>9 Q. Would you look at the last page?</p> <p>10 A. Oh.</p> <p>11 Q. And it identifies the committee members.</p> <p>12 And I'm going to just ask you to review that and see if</p> <p>13 you personally know any of these persons who served on</p> <p>14 that committee.</p> <p>15 A. Now, is this that I know who they are</p> <p>16 or that I know them at all?</p> <p>17 Q. Do you know them personally, do you know</p> <p>18 them at all.</p> <p>19 A. Okay, if I know who they are. I got</p> <p>20 it. Got it.</p> <p>21 Q. Lee Weinman, who is a chairperson.</p> <p>22 A. I'm supposed to. I recognize the name.</p> <p>23 I wouldn't recognize the face.</p> <p>24 Q. You don't really know him personally?</p> <p>25 A. Is he the historic -- well, you</p>	<p style="text-align: right;">35</p> <p>1 Bill. He's the former mayor's brother. And I think</p> <p>2 he's -- I think he's in my parents' Sunday School</p> <p>3 class.</p> <p>4 Q. And you're a member of Gardendale Baptist</p> <p>5 Church?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. Which I've been a member of that church</p> <p>9 since we moved to Gardendale also.</p> <p>10 Q. I see. Yeah. Yeah. Hamilton Fraser?</p> <p>11 A. Don't know him.</p> <p>12 Q. And Ann Getwan?</p> <p>13 A. I know who she is.</p> <p>14 Q. Ron Guin?</p> <p>15 A. I know Ronnie, uh-huh. He's --</p> <p>16 Q. How do you know him?</p> <p>17 A. He's -- he goes to my church. I guess</p> <p>18 he still goes to my church. But he's always been a</p> <p>19 big supporter of things at Gardendale High School.</p> <p>20 And he's one of the guys that helps gather all the</p> <p>21 memorabilia and that kind of stuff. He's kind of like</p> <p>22 a high school historian person.</p> <p>23 Q. All right. Tracy Hacker?</p> <p>24 A. I know Tracy Hacker. I went to school</p> <p>25 with Tracy Hacker.</p>
<p style="text-align: right;">34</p> <p>1 probably don't know.</p> <p>2 Q. I don't know.</p> <p>3 A. If he walked in and you told me it's</p> <p>4 him, I probably would have talked to him. But it's</p> <p>5 not somebody I would talk to on the phone.</p> <p>6 Q. Okay. Ron Becker?</p> <p>7 A. I do know Ron.</p> <p>8 Q. And how do you know him?</p> <p>9 A. He's been involved in school system</p> <p>10 stuff all the time. He actually calls in to my radio</p> <p>11 show.</p> <p>12 Q. All right.</p> <p>13 A. You know, he's been for me when I ran</p> <p>14 for office before. I mean, I know him.</p> <p>15 Q. All right. Hazel Butts?</p> <p>16 A. I do know Hazel.</p> <p>17 Q. And in what connection?</p> <p>18 A. She's the crossing guard at the -- or</p> <p>19 the head crossing guard lady at Gardendale. She's</p> <p>20 real close to the former mayor and those people and --</p> <p>21 Q. All right.</p> <p>22 A. She's never been a big fan of mine.</p> <p>23 Q. All right. Bill Clemons? He's not</p> <p>24 related to me.</p> <p>25 A. I do know who Bill is, yes. I know</p>	<p style="text-align: right;">36</p> <p>1 Q. And has she been active in the education</p> <p>2 efforts in Gardendale?</p> <p>3 A. I don't remember her being involved in</p> <p>4 any of the -- this latest round. She's got a lot of</p> <p>5 kids and adopted kids and -- so I'm sure she's busy.</p> <p>6 Q. All right. Diane Hollis?</p> <p>7 A. Somebody I probably should know but not</p> <p>8 necessarily.</p> <p>9 Q. Kathleen Phillips?</p> <p>10 A. Kathleen Phillips. Kathleen Phillips.</p> <p>11 Yes, I think I know Kathleen. Her son used to be in</p> <p>12 school with -- I think that's her -- used to be in</p> <p>13 school with my oldest son.</p> <p>14 Q. I see. Jack Sparks?</p> <p>15 A. I do know Jack Sparks. He used to work</p> <p>16 for the county.</p> <p>17 Q. The county Board of Education?</p> <p>18 A. Uh-huh. I think a bunch of these</p> <p>19 people actually used to work for the county or might</p> <p>20 have been involved with the county Board of Education</p> <p>21 at one time.</p> <p>22 Q. All right. And Dr. Sandy Thomas?</p> <p>23 A. Don't -- don't know her.</p> <p>24 Q. And Teresa Willis?</p> <p>25 A. Uh-huh, I know Teresa. I think she's a</p>

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<p style="text-align: right;">37</p> <p>1 real -- was a real estate person in and around the</p> <p>2 area.</p> <p>3 Q. All right. Are you familiar with No</p> <p>4 Child Left Behind Act?</p> <p>5 A. Parts of it, yes, sir.</p> <p>6 Q. Yeah. And what do you understand that to</p> <p>7 be?</p> <p>8 A. Something the federal government should</p> <p>9 have never done. Depends which aspect you're --</p> <p>10 Q. All right. All right.</p> <p>11 A. I mean, I know it's federal</p> <p>12 legislation --</p> <p>13 Q. Yeah. Yeah.</p> <p>14 A. -- that required the states to do a lot</p> <p>15 of different things in its schools. It brought the</p> <p>16 heavy amounts of testing. I don't know a lot of good</p> <p>17 that it ever did, but it sounded good when it started.</p> <p>18 Q. Yes. Have any of your Gardendale</p> <p>19 constituents ever complained that there were too many</p> <p>20 students in the Gardendale schools from Center Point?</p> <p>21 A. I knew that at one time people were</p> <p>22 talking about having -- you know, bussing people from</p> <p>23 other places and that kind of stuff. But I never</p> <p>24 heard that there were too many folks from Center</p> <p>25 Point.</p>	<p style="text-align: right;">39</p> <p>1 A. I do not recall that. Who would I have</p> <p>2 called to say that to, I mean, that we had too many</p> <p>3 people from Center Point? I really don't.</p> <p>4 Q. Well, do you --</p> <p>5 A. If you can help me, I'll try to --</p> <p>6 Q. Well, it probably would have been someone</p> <p>7 in the superintendent -- the Jefferson County</p> <p>8 superintendent's office.</p> <p>9 A. I've never -- that I recall I've never</p> <p>10 talked to anybody -- even when I talked to -- I think</p> <p>11 the only superintendent I talked to down there is</p> <p>12 Dr. Pouncey. And he was asking me about different</p> <p>13 things. And if I brought anything up about Center</p> <p>14 Point, as far as I know it would be about the fact</p> <p>15 that we do have some issues at the elementary school.</p> <p>16 But the only thing that I've ever heard</p> <p>17 about Center Point that I could have relayed would be</p> <p>18 the things about the problems with -- at the junior</p> <p>19 high. But that's not the -- that's not the crowding</p> <p>20 problem. So I'm trying to understand --</p> <p>21 Q. All right. The problem with -- about</p> <p>22 Center Point students at the junior high level, you</p> <p>23 heard about that?</p> <p>24 A. Yeah, only the thing about disciplinary</p> <p>25 problems. But I don't recall having an issue with --</p>
<p style="text-align: right;">38</p> <p>1 I think our only overcrowded school</p> <p>2 is -- is the elementary school which is one of the</p> <p>3 questions I've never understood either, is we had Snow</p> <p>4 Rogers, which it looked like enrollment was dropping.</p> <p>5 And y'all probably looked at this. So I never</p> <p>6 understood -- because my kids are in the elementary</p> <p>7 school -- why it's packed to the gills. I think it's,</p> <p>8 you know, overcapacity while we had other schools</p> <p>9 right in our area that were undercapacity.</p> <p>10 Q. Okay. I see. So you -- you have never</p> <p>11 told any officials of the Jefferson County School Board</p> <p>12 that some of your constituents were concerned about the</p> <p>13 excessive Center Point -- Center Point students?</p> <p>14 A. Only thing I've ever heard anybody say</p> <p>15 that I can think about people from Center Point was</p> <p>16 some people were asking or questioning some of the</p> <p>17 disciplinary issues that were on the bus coming from</p> <p>18 Center Point because one of the principals apparently</p> <p>19 had to ride that bus from time to time.</p> <p>20 Q. I see. All right.</p> <p>21 A. But that's all I recall about a Center</p> <p>22 Point effort.</p> <p>23 Q. Yes, sir. Yes, sir. The question is:</p> <p>24 Did you ever contact anyone at the county Board of</p> <p>25 Education about that problem?</p>	<p style="text-align: right;">40</p> <p>1 because I've been one of the people who has been</p> <p>2 for -- I was for the Accountability Act. I'm for</p> <p>3 people being able to go to better schools.</p> <p>4 Q. Yeah.</p> <p>5 A. So that's where I'm trying to</p> <p>6 understand where we're going.</p> <p>7 Q. So if -- if you talked with Dr. Pouncey</p> <p>8 about Center Point students, it wasn't in connection --</p> <p>9 A. Yeah. I don't even -- I don't remember</p> <p>10 that conversation, but if you make it really clear to</p> <p>11 me, I can help you.</p> <p>12 Q. Well, I don't -- I wasn't there. I'm</p> <p>13 just --</p> <p>14 A. Right.</p> <p>15 Q. -- asking.</p> <p>16 But you're not denying that you may have</p> <p>17 talked to him about --</p> <p>18 A. I talked to Dr. Pouncey about hoping</p> <p>19 that we can get out of the system for sure. And, you</p> <p>20 know, what -- I don't know what he may have said that</p> <p>21 we discussed so --</p> <p>22 Q. But you have no recollection of talking</p> <p>23 to him -- him or any other official of the Jefferson</p> <p>24 County School Board about the problem of Center Point</p> <p>25 students?</p>

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<p style="text-align: right;">41</p> <p>1 A. No.</p> <p>2 Q. Okay. All right. Are you familiar with</p> <p>3 Focus?</p> <p>4 A. Yes.</p> <p>5 Q. What is Focus?</p> <p>6 A. I don't remember what the acronym</p> <p>7 stands for, but it was a group of people trying to</p> <p>8 help form a Gardendale School System, or Gardendale</p> <p>9 City School System.</p> <p>10 Q. All right. Have you been a part of that</p> <p>11 group?</p> <p>12 A. I never joined, I wouldn't say, but I</p> <p>13 tried to help them get the whole effort to get a</p> <p>14 school system passed.</p> <p>15 Q. All right. And have you --</p> <p>16 A. I mean, I don't know what kind of thing</p> <p>17 you have to be to be a member, but I --</p> <p>18 Q. I see. Have you been to any of its</p> <p>19 meetings?</p> <p>20 A. I've met with the people, yes.</p> <p>21 Q. And what people are you --</p> <p>22 A. The people that did Focus? Segroves</p> <p>23 and Salters and -- what's Chris's last name? I'm</p> <p>24 drawing a blank.</p> <p>25 Q. Would it have been Chris Brown?</p>	<p style="text-align: right;">43</p> <p>1 Q. -- your --</p> <p>2 A. Probably.</p> <p>3 Q. -- making a --</p> <p>4 A. Yes, probably.</p> <p>5 Q. And --</p> <p>6 A. Well, I'm sure -- my recollection is</p> <p>7 she thought we probably -- we should give some. And</p> <p>8 if she did, I'm fine with that.</p> <p>9 Q. All right. But you don't --</p> <p>10 A. So I'll accept that we did.</p> <p>11 Q. Do you -- do you have separate checking</p> <p>12 accounts?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. I'd be killed for that, separate</p> <p>16 checking accounts. But I'm -- you know, any way I</p> <p>17 could support the movement, I'm sure that -- that I</p> <p>18 did.</p> <p>19 Q. All right. And you -- you gave them \$500</p> <p>20 of your campaign money?</p> <p>21 A. I think that's correct. It might have</p> <p>22 been that same conversation.</p> <p>23 Q. Pardon me?</p> <p>24 A. That might have been part of the same</p> <p>25 conversation, are we going to -- are we supporting it</p>
<p style="text-align: right;">42</p> <p>1 A. No. Chris Brown is a political</p> <p>2 consultant.</p> <p>3 Q. Yeah.</p> <p>4 A. Yeah. But, I mean, I know those people</p> <p>5 who are part of Focus. Lucas.</p> <p>6 Q. Chris Lucas.</p> <p>7 A. Yeah.</p> <p>8 Q. Yeah. And has your wife had any</p> <p>9 involvement with Focus?</p> <p>10 A. Yeah. I mean, I think we all were for</p> <p>11 passing the school system.</p> <p>12 Q. All right. And has she contributed money</p> <p>13 to it?</p> <p>14 A. I think we -- she probably did.</p> <p>15 Q. And have you contributed personal funds</p> <p>16 to it?</p> <p>17 A. If she wrote the check, I'm sure we --</p> <p>18 I don't always -- I don't always know --</p> <p>19 Q. Indirectly?</p> <p>20 A. -- what we contribute to, right.</p> <p>21 Right.</p> <p>22 Q. Directly or indirectly?</p> <p>23 A. Right.</p> <p>24 Q. But do you have any recollection of --</p> <p>25 A. Probably.</p>	<p style="text-align: right;">44</p> <p>1 so --</p> <p>2 Q. What is your relationship with Chris</p> <p>3 Lucas? I mean, is he a friend of yours?</p> <p>4 A. Not before any of the Focus stuff.</p> <p>5 Q. That's how you got involved with him?</p> <p>6 A. That's how -- that's how I know him.</p> <p>7 Q. Yeah.</p> <p>8 A. I might have known him a little bit</p> <p>9 before that. You know, you know a lot of people when</p> <p>10 you're in office --</p> <p>11 Q. Yeah. Yeah. Yeah.</p> <p>12 A. -- just in passing.</p> <p>13 Q. Yeah.</p> <p>14 A. But that's when I would have been</p> <p>15 around him more.</p> <p>16 Q. And how about David Mowery?</p> <p>17 A. David Mowery. I know David Mowery from</p> <p>18 Montgomery.</p> <p>19 Q. All right. Is he a member of the Focus</p> <p>20 group, or does he live in Gardendale?</p> <p>21 A. No, sir.</p> <p>22 Q. Okay. Let me go back --</p> <p>23 A. This is the big, tall David Mowery that</p> <p>24 does political consulting.</p> <p>25 Q. I see. Mr. Lucas sort of consulted with</p>

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<p style="text-align: right;">45</p> <p>1 you with respect to how Focus should focus its</p> <p>2 operations?</p> <p>3 A. They asked me -- yeah. I mean, I guess</p> <p>4 everybody who is ever involved in something political</p> <p>5 in and around my area has always asked me something</p> <p>6 about it, whether they were going to run for school</p> <p>7 board or run for whatever. Somebody usually asks me</p> <p>8 what I think about whatever is going on.</p> <p>9 Q. And you and Mr. Lucas have talked about</p> <p>10 this formation of the separate school system on more</p> <p>11 than one occasion?</p> <p>12 A. I'm sure, yes, sir.</p> <p>13 Q. Who is Chris Brown?</p> <p>14 A. Chris Brown is my former campaign</p> <p>15 consultant.</p> <p>16 Q. All right. Has he been -- does he live</p> <p>17 in Gardendale?</p> <p>18 A. No, sir, he does not.</p> <p>19 Q. And has he provided any counseling or</p> <p>20 advice to Focus or other groups in the Gardendale area</p> <p>21 who were --</p> <p>22 A. He did talk to Focus, yes, sir.</p> <p>23 Q. All right. On more than one occasion?</p> <p>24 A. I wasn't on the calls, but I would have</p> <p>25 expected him to.</p>	<p style="text-align: right;">47</p> <p>1 A. I do have a question.</p> <p>2 Q. Yes, sir.</p> <p>3 A. Can I go pay my meter again, or do you</p> <p>4 think they're going to get me?</p> <p>5 Q. They probably will get you. You can go</p> <p>6 pay your meter again.</p> <p>7 A. All right. Can we take a break?</p> <p>8 Q. They get me regularly.</p> <p>9 A. If you can't get me off, nobody can.</p> <p>10 THE VIDEOGRAPHER: This marks the end of</p> <p>11 Tape 1. Off the record, 2:35 p.m.</p> <p>12 (Said deposition was in recess</p> <p>13 at 2:35 p.m. until 2:49 p.m.,</p> <p>14 after which the following</p> <p>15 occurred.)</p> <p>16 THE VIDEOGRAPHER: This is the beginning</p> <p>17 of Tape No. 2. We're on the record, 2:49 p.m.</p> <p>18 Q. (BY MR. CLEMON:) Senator, before the</p> <p>19 break, we -- I had mentioned the Mount Olive situation</p> <p>20 and the concern of some Mount Olive citizens about the</p> <p>21 proposed new school system.</p> <p>22 A. Yes, sir.</p> <p>23 Q. And you're aware of those concerns?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Tell us what -- what are they?</p>
<p style="text-align: right;">46</p> <p>1 Q. Yeah. Do you know whether he was hired</p> <p>2 by them?</p> <p>3 A. I think they did hire him.</p> <p>4 Q. All right. To work on the --</p> <p>5 A. The campaign.</p> <p>6 Q. -- yes, the campaign to create a separate</p> <p>7 school system?</p> <p>8 A. Uh-huh. Because it was going to</p> <p>9 require the vote of the people to pass a revenue</p> <p>10 measure.</p> <p>11 Q. All right. Now, might David Mowery also</p> <p>12 have been consulted in connection with --</p> <p>13 A. I don't know for sure about David. I</p> <p>14 mean, I wasn't involved in the nuts and bolts of that</p> <p>15 part. I just -- you know, other than telling them,</p> <p>16 "You need to find somebody."</p> <p>17 I don't remember how they ended up with</p> <p>18 David. I would have -- I would have sent them to</p> <p>19 Chris first because he had been my consultant.</p> <p>20 Q. Yes.</p> <p>21 A. So I don't even remember how they got</p> <p>22 to David before they got to Chris.</p> <p>23 Q. All right. Now, the Mount Olive</p> <p>24 community was concerned about the proposed new</p> <p>25 Gardendale --</p>	<p style="text-align: right;">48</p> <p>1 A. Do you have a specific question?</p> <p>2 Because I could tell you the whole Mount Olive story,</p> <p>3 and we'll be here like a long, long time.</p> <p>4 Q. Well, did you or didn't you sponsor some</p> <p>5 annexation legislation?</p> <p>6 A. I was ready -- I was ready to. I don't</p> <p>7 remember if I ever filed it or not. And I guess I</p> <p>8 could look -- I guess I could have the legislative</p> <p>9 reference.</p> <p>10 How do you explain Mount Olive? Okay.</p> <p>11 Mount Olive and Gardendale, as far as I'm concerned,</p> <p>12 from the time I was little have always been one place.</p> <p>13 And my friends growing up lived in Mount Olive, we all</p> <p>14 played ball together, we did all those things</p> <p>15 together.</p> <p>16 Once we got to junior high, the Mount</p> <p>17 Olive Elementary kids came to Bragg, we were all there</p> <p>18 together, and, you know, some of my best friends were</p> <p>19 from Mount Olive.</p> <p>20 When the school system thing came up,</p> <p>21 the problem is --</p> <p>22 Q. You mean the -- the Gardendale School</p> <p>23 System --</p> <p>24 A. The Gardendale School System effort --</p> <p>25 Q. Yes. Yes.</p>

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<p style="text-align: right;">49</p> <p>1 A. -- came up.</p> <p>2 Well, you can only have a school system</p> <p>3 inside your city limit sign -- lines, which</p> <p>4 immediately causes a problem for the whole area, not</p> <p>5 just Mount Olive, but the Brookside -- the northern</p> <p>6 area of Brookside and those kind of places.</p> <p>7 And when it all starting happening,</p> <p>8 people from Mount Olive came to me and were saying,</p> <p>9 "Well, we want to be part of it."</p> <p>10 So the question is how do you get Mount</p> <p>11 Olive into the city? The reason it was uncomfortable</p> <p>12 is because you had some people in Mount Olive who</p> <p>13 didn't want to be a part of the city, and they were</p> <p>14 talking about conflicts between the Mount Olive area</p> <p>15 and the city that happened back when I was a little</p> <p>16 kid. And people were still mad about it.</p> <p>17 And so there were people from Mount</p> <p>18 Olive who not only didn't want to be in the city of</p> <p>19 Gardendale, they didn't want a school system to</p> <p>20 happen, they didn't want anything to happen. And they</p> <p>21 started raising cane, coming up with whatever reason</p> <p>22 they could come up with about why Gardendale shouldn't</p> <p>23 be able to have a school system.</p> <p>24 It didn't matter to them; they just</p> <p>25 didn't want it to happen. And they were willing to</p>	<p style="text-align: right;">51</p> <p>1 But then they were saying, "Well, that</p> <p>2 won't be fair because we're paying 10 mills for a fire</p> <p>3 district, and we'll be paying 10 mills for the</p> <p>4 school."</p> <p>5 Well, the city of Gardendale said they</p> <p>6 couldn't -- couldn't afford to buy the whole fire</p> <p>7 district out.</p> <p>8 Q. Yeah.</p> <p>9 A. And then they were saying, you know,</p> <p>10 "We'll sue because now we're being unequally taxed,</p> <p>11 and part of the city will be under a full-time fire</p> <p>12 district, part of them won't be."</p> <p>13 And so every time there was some option</p> <p>14 of how to make this work, somebody came on and said,</p> <p>15 "We'll sue somehow, some way."</p> <p>16 So like every angle we tried, even -- I</p> <p>17 think one of the city council members came up with</p> <p>18 this -- a tax district, and they could be -- have a</p> <p>19 tax district to help pay that part and all that kind</p> <p>20 of stuff.</p> <p>21 But Mount Olive was the only place</p> <p>22 where people came and said, "Hey, look, we want to be</p> <p>23 a part of this."</p> <p>24 And then a friend of ours that lives in</p> <p>25 a part of Brookside, he wanted to figure out how to</p>
<p style="text-align: right;">50</p> <p>1 say whatever and do whatever. Now, that's -- that's</p> <p>2 not really part of my part as a senator.</p> <p>3 So the idea was, all right, how do we</p> <p>4 try to get -- how do we give people an option to do</p> <p>5 it? And one of my ideas, well, let's figure out just</p> <p>6 how to have a vote. Let the people of Mount Olive</p> <p>7 vote, and if they vote to come in the city of</p> <p>8 Gardendale, that solves our problem.</p> <p>9 Well, that sounded like a good idea</p> <p>10 except that upper Mount Olive area is a fire</p> <p>11 district -- part of a fire district. And the people</p> <p>12 who run the fire district didn't want that to become</p> <p>13 part of Gardendale. And because of our state law, you</p> <p>14 have that issue with the six years back-fire dues and</p> <p>15 all that kind of stuff.</p> <p>16 So, well, my first thought was, well,</p> <p>17 we can -- if they vote and if it passes -- which I</p> <p>18 think most people would have voted for it, I think --</p> <p>19 they would come into the city. And then we've got the</p> <p>20 problem with the fire dues.</p> <p>21 And I -- part of the reason I</p> <p>22 remembered that was some of the people -- and I can't</p> <p>23 give names. It's kind of like people talking about</p> <p>24 the establishment, you know, who all these folks</p> <p>25 necessarily are.</p>	<p style="text-align: right;">52</p> <p>1 get in Gardendale. He does the sound stuff and stuff</p> <p>2 for all the little events where you try to raise money</p> <p>3 for the PTA and everything.</p> <p>4 Q. Who is that?</p> <p>5 A. What is Thomas' last name? It's</p> <p>6 Thomas. I don't remember his last name. My wife</p> <p>7 would remember. He's just Thomas to me.</p> <p>8 And so the whole Mount Olive thing --</p> <p>9 so I go out there, I'm trying to offer them a vote of</p> <p>10 the people. The people who don't want to be a part of</p> <p>11 the city are just raising cane. And it was just not</p> <p>12 good politically. But I was willing to try it if</p> <p>13 that's what we went to. But then the city came along</p> <p>14 and said, "We can't even afford them."</p> <p>15 And I had told the city, "Well, if you</p> <p>16 can't afford it, I'm not going to force it" --</p> <p>17 Q. Yeah.</p> <p>18 A. -- even though at one time I</p> <p>19 probably -- you know, I would have been interested in</p> <p>20 trying to fix it legislatively. But I thought the</p> <p>21 best way to do it was try to let them vote. And that</p> <p>22 never -- never occurred.</p> <p>23 Q. So that just didn't work out?</p> <p>24 A. No.</p> <p>25 Q. And so -- and you know that a lot of the</p>

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1 parents in Garden -- in Mount Olive are dissatisfied at
 2 the fact that they would no longer be -- their kids
 3 would no longer be in Gardendale schools after this
 4 13-year transition period?
 5 A. Well, I would hope their kids graduate
 6 but -- if they're already in there, 13 years, they'd
 7 have time to graduate. But the area wouldn't be in
 8 the school system anymore.
 9 Q. Yeah.
 10 A. Right.
 11 Q. But the ones who have kids who are two,
 12 three years old --
 13 A. Yeah. I don't know what the -- well, I
 14 can't look at him. But I don't remember what the
 15 offer was. I thought it was -- I thought siblings
 16 were included, but I don't -- I don't remember --
 17 Q. I see.
 18 A. -- for sure.
 19 Q. Yeah.
 20 A. To make sure, which I thought was a
 21 pretty good idea -- I mean, you've got to trans --
 22 you've got to figure out how to make this happen some
 23 way. But that's why I still thought the best thing to
 24 do was try to give those -- those places that are
 25 already in the system, no matter where they are, an

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1 option if they wanted to come in the city because you
 2 can't just let people go without paying part of the
 3 taxes.
 4 Q. Yes.
 5 A. Because that was the whole thing. I
 6 mean, that was the political campaign, was how do you
 7 convince people in one of the most conservative places
 8 in the world, maybe, to raise taxes on themselves --
 9 Q. Yeah.
 10 A. -- which was, you know --
 11 Q. Insofar as you know, Gardendale does not
 12 intend to allow anyone who doesn't live in the city --
 13 A. I don't know. I don't know -- I don't
 14 know what the transfer thing is. I know a lot of
 15 people were talking about doing something similar to
 16 what other systems do where you pay some kind of
 17 tuition or transfer fee or -- I don't know. I don't
 18 remember what that policy was.
 19 Q. I see. Yeah. Yeah. Yeah.
 20 A. Those things are outside of what --
 21 anything I had anything to do with.
 22 Q. I see. You mentioned that you know
 23 Mr. Salters?
 24 A. I do know David Salters.
 25 Q. And where does he live?

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1 A. I believe he lives in Gardendale.
 2 Q. In Gardendale. Is that an area that was
 3 once in Mount Olive, or did he move into Gardendale?
 4 A. I don't know. I didn't really know
 5 David until this stuff started.
 6 Q. That's around 2012, '13?
 7 A. Whenever the campaign was, yes, sir.
 8 Q. Yeah. Yeah. Yeah.
 9 A. So I don't know if he moved. I think
 10 Chris Lucas moved, but I don't know if Salters lived
 11 in somewhere else and moved or not.
 12 Q. I see. All right.
 13 A. I've lived in Gardendale forever. And
 14 one of the reasons my wife and I -- which is why some
 15 of this stuff bothers me, is that my wife and I made a
 16 decision to live in Gardendale city limits hoping that
 17 one day we would figure out how to have a Gardendale
 18 City School System.
 19 And my friends, the people who grew up
 20 with me, the folks who didn't move away, you know,
 21 they had to ask themselves do I buy an older home in
 22 Gardendale that's smaller and try to fix it up and all
 23 that kind of stuff, or do I build a new home right
 24 outside Gardendale and either go -- still go to
 25 Gardendale or go to Jordan or Corner or wherever?

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1 And that's been part of the whole thing
 2 I think a lot of people miss on this school system
 3 thing, is there is an economic impact. You know, we
 4 are a very old -- older community because the kids
 5 grow up and move down 280, move to Hoover, move
 6 somewhere. Their parents stay in Gardendale.
 7 And then when the parents pass away,
 8 there's nobody -- why do you buy an older home in
 9 Gardendale? And the selling point for other cities is
 10 because we've got really good schools. Bring your
 11 kids here, bring -- you know, and it'll be great. But
 12 we can't make that argument.
 13 Q. Well, haven't -- haven't there been some
 14 developments -- residential developments in Gardendale?
 15 A. Yeah. Yeah. I mean, we've done
 16 okay --
 17 Q. Yeah.
 18 A. -- through the years.
 19 But the old neighborhoods like I grew
 20 up in, you know, their home values and stuff like that
 21 haven't -- haven't grown.
 22 Q. Yeah.
 23 A. And part of it is why do you do it?
 24 I had some friends -- what are their
 25 names? They moved away. They moved to Nashville. I

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<p style="text-align: right;">57</p> <p>1 say "friends." We knew them because my kids were on 2 the soccer team with them. 3 And when they moved back to -- they 4 came back down here, got transferred back. And they 5 had relatives that live in Blount County. So they 6 wanted to live in Gardendale because it would be quick 7 to go to their relative's in Hayden. 8 And so the wife says, "Well, you know, 9 why don't we look at the school thing?" 10 So they get on the Internet, and they 11 research how good the schools are. They move to 12 Shelby County. And when you look on these things and 13 it says, you know, this school here on the south side 14 of town is great, it's got a great ranking, and then 15 our score is not very good, people are just looking -- 16 I mean, those were people who lived there who moved 17 away. 18 And people forget all that kind of 19 stuff. I mean, part of that whole effort was to 20 give -- be a growth engine to keep the city 21 prospering, or try to keep the city prospering. I 22 mean, I grew up there. I just -- 23 Q. You live, I take it, in one of the newer 24 subdivisions? 25 A. I do. I live up by the -- up by the</p>	<p style="text-align: right;">59</p> <p>1 THE VIDEOGRAPHER: Any other questions by 2 phone? 3 MR. COLVIN: I don't have any questions. 4 MR. ROWE: No questions. Thank you, 5 Senator. 6 THE VIDEOGRAPHER: This marks the end of 7 Tape No. 2 and concludes the deposition. We're going 8 off the record, 3 o'clock p.m. 9 (Deposition concluded at 3:00 p.m.) 10 11 FURTHER THE DEPONENT SAITH NOT 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">58</p> <p>1 old golf course. 2 Q. Yeah. 3 A. And -- but it's on the -- I don't know 4 how familiar you are with Gardendale, but I live in 5 the New Castle area. 6 Q. Yeah. Do you -- do you know the 7 community called North Smithfield Manor? 8 A. I do. I do. 9 Q. And how far is that from Gardendale? 10 A. I don't know. I just know you go down 11 the interstate right there. It's on -- it's on the 12 other side of Fulndale. 13 Q. I see. Did you ever propose a vote of 14 the North Smithfield Manor area? 15 A. No. And no one ever contacted me from 16 there. And I wasn't the senator from there. 17 Q. All right. 18 A. Which I'd be cool with that. I mean, 19 like I said, anybody inside the -- that was going to 20 Gardendale I would love to have the opportunity, but 21 you've got to be part of Gardendale. 22 Q. Yeah. Yeah. 23 MR. CLEMON: That's all I have. 24 THE WITNESS: If you'd have told me that, 25 I wouldn't have gone down and done the meter.</p>	<p style="text-align: right;">60</p> <p>1 C E R T I F I C A T E 2 3 STATE OF ALABAMA) 4 JEFFERSON COUNTY) 5 6 I hereby certify that the above proceedings 7 were taken down by me and transcribed by me using 8 computer-aided transcription, and that the above is a 9 true and correct transcript of the said proceedings 10 given by said witness. 11 12 I further certify that I am neither of counsel 13 nor of kin to the parties to the action, nor am I in 14 anyway interested in the result of said cause. 15 16 I further certify that I am duly licensed by 17 the Alabama Board of Court Reporting as a Certified 18 Court Reporter as evidenced by the ACCR number found 19 below. 20 21 COMMISSIONER - NOTARY PUBLIC 22 23 24 J. ASHLEY ARROWOOD, CSR, RPR 25 ACCR #480 - Exp. 9/30/2016</p>

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